

## CHAPTER 1224

S.B. No. 1369

## AN ACT

relating to the appointment of attorneys ad litem and to court-appointed volunteer advocates in certain suits affecting the parent-child relationship.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 74.092, Government Code, is amended to read as follows:

Sec. 74.092. DUTIES OF LOCAL ADMINISTRATIVE JUDGE. (a) A local administrative judge, for the courts for which the judge serves as local administrative judge, shall:

- (1) implement and execute the local rules of administration, including the assignment, docketing, transfer, and hearing of cases;
- (2) appoint any special or standing committees necessary or desirable for court management and administration;
- (3) promulgate local rules of administration if the other judges do not act by a majority vote;
- (4) recommend to the regional presiding judge any needs for assignment from outside the county to dispose of court caseloads;
- (5) supervise the expeditious movement of court caseloads, subject to local, regional, and state rules of administration;
- (6) provide the supreme court and the office of court administration requested statistical and management information;
- (7) set the hours and places for holding court in the county;
- (8) supervise the employment and performance of nonjudicial personnel;
- (9) supervise the budget and fiscal matters of the local courts, subject to local rules of administration;
- (10) coordinate and cooperate with any other local administrative judge in the district in the assignment of cases in the courts' concurrent jurisdiction for the efficient operation of the court system and the effective administration of justice; ~~[and]~~
- (11) *establish and maintain a list of all attorneys qualified to serve as an attorney ad litem; and*
- (12) perform other duties as may be directed by the chief justice or a regional presiding judge.

(b) *A list of attorneys ad litem maintained under Subsection (a)(11) must contain the names of all attorneys who:*

- (1) *meet any statutory or other requirements to serve as an attorney ad litem; and*
- (2) *have registered to serve as attorney ad litem with a court for which the judge maintaining the list serves as local administrative judge.*

SECTION 2. Subchapter D, Chapter 74, Government Code, is amended by adding Section 74.098 to read as follows:

Sec. 74.098. APPOINTMENT OF ATTORNEYS AD LITEM; MAINTENANCE OF LIST. (a) *Except as provided by Subsection (b), in each case in which the appointment of an attorney ad litem is necessary, a court shall appoint the attorney whose name appears first on the list of attorneys ad litem maintained by the local administrative judge for that court as required by Section 74.092.*

(b) *The court may appoint an attorney included on the list whose name does not appear first on the list or an attorney not included on the list if the appointment of that attorney as attorney ad litem is:*

- (1) *required on a complex matter because the attorney possesses relevant specialized education, training, certification, or skill;*

(2) *made pursuant to the Family Code, Health and Safety Code, Human Resources Code, Texas Trust Code (Subtitle B, Title 9, Property Code), or Texas Probate Code; or*

(3) *agreed on by the parties and approved by the court.*

(c) *After an attorney has been appointed as an attorney ad litem from the list, the local administrative judge shall place that attorney's name at the end of the list.*

SECTION 3. Subdivision (2), Section 264.601, Family Code, is amended to read as follows:

(2) "Volunteer advocate program" means a volunteer-based, nonprofit program that:

(A) provides advocacy services to abused or neglected children with the goal of obtaining a permanent placement for a child that is in the child's best interest; and

(B) *complies with recognized standards for volunteer advocate programs.*

SECTION 4. Section 264.602, Family Code, is amended by amending Subsection (a) and adding Subsection (f) to read as follows:

(a) The statewide organization with which the attorney general contracts under Section 264.603 shall contract for services with eligible volunteer advocate programs to *provide advocacy services to abused or neglected children* ~~expand the existing services of the programs~~.

(f) *Expenses incurred by a volunteer advocate program to promote public awareness of the need for volunteer advocates or to explain the work performed by volunteer advocates that are paid with money from the attorney general volunteer advocate program account under Section 504.611, Transportation Code, are not considered administrative expenses for the purpose of Section 264.603(b).*

SECTION 5. Subsection (a), Section 264.603, Family Code, is amended to read as follows:

(a) The attorney general shall contract with one statewide organization of individuals or groups of individuals who have expertise in the dynamics of child abuse and neglect and experience in operating volunteer advocate programs to provide training, technical assistance, and evaluation services for the benefit of local volunteer advocate programs. The contract shall:

(1) *include* ~~require~~ *measurable goals and objectives relating to the number of:*

(A) *volunteer advocates in the program; and*

(B) *children receiving services from the program; and*

(2) *follow practices designed to ensure compliance with standards referenced in the contract* ~~for expanding local volunteer child advocate programs to areas of the state in which those programs do not exist~~.

SECTION 6. Subsection (a), Section 264.604, Family Code, is amended to read as follows:

(a) A person is eligible for a contract under Section 264.602 only if the person is a public or private nonprofit entity that operates a volunteer advocate program that:

(1) uses individuals appointed as volunteer advocates or guardians ad litem by the court to provide for the needs of abused or neglected children;

(2) has provided court-appointed advocacy services for at least *six months* ~~two years~~;

(3) provides court-appointed advocacy services for at least 10 children each month; and

(4) has demonstrated that the program has local judicial support.

SECTION 7. Subsections (b) and (c), Section 264.607, Family Code, are repealed.

SECTION 8. Not later than December 1, 2009, each local administrative judge shall establish a list of attorneys registered and qualified to serve as attorney ad litem in a court for which the judge serves as local administrative judge as required by Section 74.092, Government Code, as amended by this Act.

SECTION 9. The change in law made by this Act applies only to the appointment of an attorney ad litem on or after December 1, 2009.

SECTION 10. This Act takes effect September 1, 2009.

Passed the Senate on April 9, 2009: Yeas 31, Nays 0; the Senate concurred in House amendment on May 30, 2009: Yeas 31, Nays 0; passed the House, with amendment, on May 27, 2009: Yeas 145, Nays 3, one present not voting.

Approved June 19, 2009.

Effective September 1, 2009.

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## CHAPTER 1225

### S.B. No. 1458

#### AN ACT

relating to the authority of certain taxing units to enter into an ad valorem tax abatement agreement.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 312.006, Tax Code, as amended by Chapters 1029 (H.B. 1449) and 1505 (H.B. 1200), Acts of the 77th Legislature, Regular Session, 2001, is reenacted and amended to read as follows:

Sec. 312.006. EXPIRATION DATE. If not continued in effect, this chapter expires September 1, 2019 [2009].

SECTION 2. Subchapter A, Chapter 312, Tax Code, is amended by adding Section 312.007 to read as follows:

Sec. 312.007. DEFERRAL OF COMMENCEMENT OF ABATEMENT PERIOD. (a) *In this section, "abatement period" means the period during which all or a portion of the value of real property or tangible personal property that is the subject of a tax abatement agreement is exempt from taxation.*

(b) *Notwithstanding any other provision of this chapter, the governing body of the taxing unit granting the abatement and the owner of the property that is the subject of the agreement may agree to defer the commencement of the abatement period until a date that is subsequent to the date the agreement is entered into, except that the duration of an abatement period may not exceed 10 years.*

SECTION 3. Section 312.402, Tax Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), and (a-3) to read as follows:

(a) The commissioners court may execute a tax abatement agreement with the owner of taxable real property located in a reinvestment zone designated under this subchapter *or with the owner of tangible personal property located on real property in a reinvestment zone to exempt from taxation all or a portion of the value of the real property, all or a portion of the value of the tangible personal property located on the real property, or all or a portion of the value of both*. ~~The court may execute a tax abatement agreement with the owner of a leasehold interest in tax-exempt real property or leasehold interests or improvements on tax-exempt real property that is located in a reinvestment zone designated under this subchapter to exempt a portion of the value of tangible personal property or leasehold interests or improvements on tax-exempt real property located on the real property. The execution, duration, and other terms of an agreement made under this section are governed by the provisions of Sections 312.204, 312.205, and 312.211 applicable to a municipality. Section 312.2041 applies to an agreement made by a county under this section in the same manner as it applies to an agreement made by a municipality under Section 312.204 or 312.211.~~

(a-1) *The commissioners court may execute a tax abatement agreement with the owner of a leasehold interest in tax-exempt real property located in a reinvestment zone designated under this subchapter to exempt all or a portion of the value of the leasehold interest in the real property. The court may execute a tax abatement agreement with the owner of tangible personal property or an improvement located on tax-exempt real property that is located in a designated reinvestment zone to exempt all or a portion of the value of the tangible personal property or improvement located on the real property.*